

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF WISCONSIN**

ESTATE OF MICHAEL EDWARD BELL, by
Special Administrator Michael Martin Bell,
KIM MARIE BELL, MICHAEL MARTIN BELL,
and SHANTAE BELL,

Plaintiffs,

Civil Action No. 05-C-1176

v.

OFFICER ERICH R. STRAUSBAUGH,
OFFICER ERICH S. WEIDNER,
LIEUTENANT DAVID H. KRUEGER,
OFFICER ALBERT B. GONZALES,
KENOSHA POLICE DEPARTMENT,
CITY OF KENOSHA,

Defendants.

**SUPPLEMENTAL AFFIDAVIT OF PATRICK O. DUNPHY IN SUPPORT OF
PLAINTIFFS' REPLY BRIEF IN SUPPORT OF PLAINTIFFS' MOTION FOR
DEFAULT JUDGMENT OR TO STRIKE DEFENDANTS' AFFIRMATIVE
DEFENSES FOR THE DEFENDANTS' FRAUD UPON THE COURT**

STATE OF WISCONSIN)
) SS.
COUNTY OF WAUKESHA)

PATRICK O. DUNPHY, being first duly sworn on oath, states as follows:

1. I am an attorney at law associated with the law firm of Cannon & Dunphy, S.C., attorneys retained to represent the plaintiffs, Kim Marie Bell, Michael Martin Bell, and Shantae Bell. I make this Affidavit in Support of Plaintiffs' Reply Brief in Support of Plaintiffs' Motion for Default Judgment or to Strike Defendants' Affirmative Defenses for the Defendants' Fraud Upon the Court.

2. Attached hereto as EXHIBIT 1 are true and correct copies of pages 1 and 32-34 from the deposition of Francis Clark, dated June 6, 2007.

3. Attached hereto as EXHIBIT 2 are true and correct copies of pages 1 and 37-39 from the deposition of Shantae Bell, dated March 6, 2006.

4. Attached hereto as EXHIBIT 3 are true and correct copies of pages 1 and 77 from the deposition of Erich R. Strausbaugh, dated April 30, 2007.

5. Attached hereto as EXHIBIT 4 are true and correct copies of pages 1 and 11 from the deposition of Albert B. Gonzales, dated April 30, 2007.

6. Attached hereto as EXHIBIT 5 are true and correct copies of pages 1 and 34 from the deposition of David H. Krueger, dated April 30, 2007.

7. Attached hereto as EXHIBIT 6 are true and correct copies of pages 1-3, and 136-137 from the deposition of Bill Lewinski, Ph.D., in Fields v. City of Milwaukee, Case No. 03-C-1450 (E.D. Wis., Hon. J.P. Stadtmueller).

8. Attached hereto as EXHIBIT 7 is a true and correct copy of a correspondence dated 9/6/07 written by Patrick O. Dunphy to Kevin P. Reak.

9. Attached hereto as EXHIBIT 8 are true and correct copies of the Defendants' Responses to Plaintiffs' Sixth Set Of Written Interrogatories Dated September 6, 2007 and Fifth Request For Production Of Documents Dated September 6, 2007.

10. Attached hereto as EXHIBIT 9 are true and correct copies of pages 1 and 33-34 from the deposition of Erich Weidner, dated April 30, 2007.

11. Attached hereto as EXHIBIT 10 are true and correct copies of pages 1 and 16-19 from the deposition of Todd Thorne, dated May 31, 2007.

Dated at Brookfield, Wisconsin this 21st day of December, 2007.

CANNON & DUNPHY, S.C.

Attorneys for Plaintiff

By: s/Patrick O. Dunphy

Patrick O. Dunphy, State Bar No. 1016947

Subscribed and sworn to before
me this 21st day of December, 2007.

Wendy Klocke

Notary Public, State of Wisconsin

My Commission expires 1/18/09

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